

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:)	Chapter 11
)	
W. R. GRACE & CO., et al.,)	Case No. 01-1139 (JKF)
)	(Jointly Administered)
Debtors.)	

**REPLY OF W.R. GRACE & CO. IN SUPPORT OF PROTOCOL CONCERNING
PRODUCTION OF CHEST X-RAYS OF CLAIMANTS WITH MALIGNANCIES
OTHER THAN MESOTHELIOMA**

W.R. Grace & Co. ("Grace" or "Debtor") hereby replies to the objections to the Protocols Concerning Production of Chest X-rays of Claimants with Malignancies Other Than Mesothelioma submitted by claimants represented by the Carlisle Law Firm ("Carlisle"), Michael B. Serling, P.C. ("Serling"), the Wartnick Law Firm ("Wartnick"), and Thornton & Naumes, LLP ("Thornton").

Serling, Carlisle, and Thornton object to Grace's proposed order insofar as it requires the claimants to send original x-rays to a repository maintained by Rust Consulting. The firms' propose, in the alternative, to merely make the films available for review by Grace's experts. However, making the films available at the various law firms' offices will preclude a court appointed expert, or Grace's experts from properly administering a blind panel read. All x-rays must be assembled in one collection to enable the experts to set up a blind review in a timely manner. Such a protocol recently was considered and approved by the court in *USG Corp. v. Official Committee of Asbestos Personal Injury Claimants*, Civil Action No. 04-1559, (D. Del. Oct. 17, 2006) (ordering that "Original radiographic evaluations, such as x-rays or CT scans, will be retained by RUST and made available for inspection by the parties or their experts on reasonable terms"). The order is attached hereto as Exhibit A.

Wartnick also objects to Grace's request to keep the x-rays for three months and instead proposes three rolling productions in which the x-rays will be held in the repository for one month at a time. Such a request will also undermine the ability of the experts to review the x-rays in an efficient manner. To the extent that the claimants should need the x-rays for medical purposes or in other lawsuits, Grace is willing to work with Rust and the experts to accommodate such needs.

Dated: December 1, 2006

Respectfully submitted,

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